IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2477 OF 2004

IN

SUIT NO.2489 OF 2004

...

Chandulal Kanji Dodia ...Plaintiff

v/s.

Statish Girdharbhai Harsora ...Defendant

...

Mr.L.H. Patil for the Plaintiff.

None for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 24TH JUNE,2005

P.C.:

1. This Notice of Motion is taken out by the

Plaintiff. The Plaintiff has filed the suit for decree of possession of the property. The case of the Plaintiff is that the Plaintiff is the owner and the Defendant is unauthorisedly in possession of the property. It is true that the Defendant has been served, but the Defendant is not appearing. The Defendant has also not filed any reply. But the Plaintiff is not in a position to satisfy that he holds a title to the property. No document of title is produced on record. Therefore, though the learned Counsel appearing for the Plaintiff urged that the Receiver should be appointed on the property, in my opinion, in the absence of any document produced by the Plaintiff conclusively establishing that he is the owner of the property, it will not be appropriate to appoint the Receiver on the property at this stage. In my opinion, interest of the Plaintiff can be safegarded by granting temporary injunction in terms of prayer clause (b). Notice of Motion is, therefore, granted in terms of prayer clause (b). Motion disposed of.

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